



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 8766-98
5 May 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 23 May 1986 for six years as an OS2 (E-5). At the time of your reenlistment you had completed nearly four years of prior active service. The record reflects that you served without incident until 26 November 1986 when you received nonjudicial punishment (NJP) for dereliction of duty and signing a false official document. Punishment imposed consisted of a suspended reduction in rate to OS3 (E-4), a forfeiture of \$952, and 45 days of restriction and extra duty.

On 30 October 1991 you received a second NJP for three instances of dereliction in the performance of your duties. Punishment imposed was an oral reprimand, a forfeiture of \$50, and a suspended reduction in rate to OS3.

The record further reflects that you received an adverse enlisted performance evaluation for the period ending 31 October 1991.

Adverse marks of 2.8 were assigned in the rating categories of reliability, military bearing, directing, and counseling. Marginal marks of 3.0 were assigned in the categories of military knowledge/performance and initiative. The reporting senior noted that you had been counseled for poor leadership and failure to appear on time at your appointed place of duty, you had failed two personnel inspections, and attendance at a school was disapproved due to poor performance. You were not recommended for advancement or retention. In the performance evaluation for period ending 31 March 1992, the reporting senior noted you had made an effort to improve your performance, but shown little improvement in your ability to provide leadership and guidance to subordinates, and your overall performance fell short of the minimum expectations for a second class petty officer.

As a result of 31 October 1991 performance evaluation, you were issued a letter of substandard service by the Petty Officer Quality Control Review Board (POQCRB) (Pers-831). That letter restricted any further reenlistment or extension without prior approval of Pers-831 and directed assignment of an RE-4 reenlistment code if you were discharged prior to completing 24 months of significantly improved performance. On 22 May 1992 you were honorably discharged upon expiration of your term of service and assigned an RE-4 reenlistment code.

Applicable regulations required the assignment of an RE-4 reenlistment code to individuals who were issued a letter of substandard service. The Board noted your contentions to the effect that evaluations submitted by the division petty officers were lowered at the division officer level based on hearsay from others, and that you were not given credit for writing the qualification standards for new computer work stations. You claimed that when you were placed on quality control, you were supposed to be transferred and evaluated by another division. However, the Board noted that such a reassignment was not mandated by the POQCRB, but was certainly an option available to the command that could have been utilized if it chose to do so. You have provided no evidence that your overall performance was better than that reflected in your evaluations. There is no evidence in available records that you requested an extension of your enlistment so you would have sufficient time to complete 24 months of improved performance and remove the reenlistment restriction. Since you have been treated no differently than others discharged under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the

Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director